



## Convention on Biological Diversity

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Agenda item 9

### SAFEGUARDS IN BIODIVERSITY FINANCING MECHANISMS

#### Draft decision submitted by the Chair of Working Group I

*The Conference of the Parties,*

*Recalling* decision XII/3, in which the Conference of the Parties adopted the voluntary guidelines on safeguards in biodiversity financing mechanisms,

1. *Highlights* with appreciation the convergence that is emerging between the existing processes for developing and/or improving safeguard systems of the financing mechanisms and the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms, and *encourages* all such processes to further refer to the guidelines in order to create greater convergence;

2. *Recognizes* the importance of tenure over traditional territories (lands and waters) of indigenous peoples and local communities for their survival and ways of life, and that holistic, solid safeguards backed by transparent accountability and constant vigilance are therefore required in line with international obligations and frameworks, such as the United Nations Declaration on the Rights of Indigenous Peoples,<sup>1</sup> and instruments, decisions and guidelines of the Convention on Biological Diversity, including with the full and effective participation of indigenous peoples and local communities and their free prior informed consent, prior informed consent or approval and involvement of indigenous peoples and local communities, in accordance with national processes, policies and legislation, as appropriate;

3. *Takes note*, in particular, of the processes undertaken by the operating entities of the financial mechanism of the United Nations Framework Convention on Climate Change to design, establish and apply safeguard systems that would cover all climate-related financing under their responsibility;

4. *Welcomes*, in particular, the Global Environment Facility's process to review and upgrade its environmental and social safeguards and the related systems of its agencies, as well as its guidance to advance gender in its new gender implementation strategy, noting that the results will be applicable to all projects funded by the Facility, and *invites* the Facility to inform the Conference of the Parties about how it is taking into account the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms in its important process;

5. *Urges* Parties, other stakeholder organizations and other institutions to continue using the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms in designing and operating their financing mechanisms and in setting up their safeguard systems, making use, as appropriate, of the checklist contained in the annex to the present decision;

6. *Invites* Parties, other Governments, indigenous peoples and local communities, other stakeholder organizations and other institutions to contribute views on experiences, opportunities and

<sup>1</sup> General Assembly resolution [61/295](#), annex.

options to advance the application of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms to the design and operation of biodiversity financing mechanisms;

7. *Requests* the Executive Secretary to compile further information on the use and value of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms and other relevant guidance under the Convention by Parties, other Governments, indigenous peoples and local communities, other stakeholder organizations and international institutions in relation to the development and application of relevant safeguard systems;

8. *Also requests* the Executive Secretary to include, for consideration as a possible element of work in the fully integrated programme of work on Article 8(j) and related provisions within the post-2020 biodiversity framework, the development of a post-2020 specific safeguards framework on indigenous peoples and local communities under the Convention, based on principles, standards and guidelines adopted under the Convention, and addressing any additional gaps identified, including gender equality considerations, noting that an indicative list of possible elements and tasks will be developed for consideration by the Conference of the Parties at its fifteenth meeting and by the Working Group on Article 8(j) and Related Provisions at its eleventh meeting.

### *Annex*

## **CHECKLIST OF SAFEGUARDS IN BIODIVERSITY FINANCING MECHANISMS UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY**

The following questions may be used as a checklist for complying with the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms.

### **Overall question on the purpose of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms**

Does the financing mechanism have a safeguard system designed to effectively avoid or mitigate its unintended impacts on the rights and livelihoods of indigenous peoples and local communities in accordance with national legislation, and to maximize its opportunities to support them?

### **Guideline A: The role of biodiversity and ecosystem functions for local livelihoods and resilience, as well as biodiversity's intrinsic values, should be recognized in the selection, design and implementation of biodiversity financing mechanisms.**

A.1 Is the role of biodiversity and ecosystem functions for local livelihoods and resilience recognized in the selection, design and implementation of the mechanism?

A.2 Are biodiversity's intrinsic values recognized?

### **Guideline B: Rights and responsibilities of actors and/or stakeholders in biodiversity financing mechanisms should be carefully defined, at the national level, in a fair and equitable manner, with the effective participation of all actors concerned, including the free prior informed consent, prior informed consent or approval and involvement of indigenous peoples and local communities, taking into account, the Convention on Biological Diversity and its relevant decisions, guidance and principles and, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples.**

B.1 Are the rights and responsibilities of actors and/or stakeholders carefully and equitably defined?

B.2 Has there been effective participation of all actors concerned in the definition of such roles and responsibilities?

B.3 Has there been free prior informed consent, prior informed consent or approval and involvement of indigenous peoples and local communities in the definition of such roles and responsibilities?

B.4 Has the mechanism considered the Convention on Biological Diversity and its relevant decisions, guidance and principles and, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples?

**Guideline C: Safeguards in biodiversity financing mechanisms should be grounded in local circumstances, should be developed in consistency with relevant country-driven/specific processes as well as national legislation and priorities, and take into account relevant international agreements, declarations and guidance developed under the Convention on Biological Diversity and, as appropriate, the United Nations Framework Convention on Climate Change, international human rights treaties and the United Nations Declaration on the Rights of Indigenous Peoples, among others.**

C.1 Are the financing mechanism's safeguards grounded in local circumstances?

C.2 Are safeguards consistent with relevant country-driven/specific processes as well as national legislation and priorities?

C.3 Do they consider the instruments mentioned in point B.4 and the United Nations Framework Convention on Climate Change, the Convention on the Elimination of All Forms of Discrimination against Women, international human rights treaties, and others, as appropriate?

**Guideline D: Appropriate and effective institutional frameworks are of utmost importance for safeguards to be operational and should be put in place, including enforcement and evaluation mechanisms that will ensure transparency and accountability, as well as compliance with relevant safeguards.**

D.1 Are appropriate and effective institutional frameworks in place to ensure application of the safeguards?

D.2 Does the safeguard system include enforcement and evaluation mechanisms?

D.3 Are requirements of transparency and accountability included?

D.4 Are all stakeholders involved complying with relevant safeguards?

**Additional questions elaborated from the relevant decisions, guidance and principles under the Convention on Biological Diversity would include the following:**

E. Are there provisions to promote equity, or reduce risks of inequity, in benefit-sharing?

F. Are cultural impact assessment procedures included in safeguard instruments? Do they specifically include respect for the spiritual values of indigenous peoples and local communities?

G. Is customary use considered in avoidance of risks?

H. Are there safeguards in relation to the traditional knowledge of indigenous peoples and local communities, especially regarding the protection of their knowledge rights?

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